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12 **UNITED STATES DISTRICT COURT**
13 **DISTRICT OF NEVADA, SOUTHERN DIVISION**

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15 CLYDE MONTERO, an individual, AMY
16 MONTERO, an individual, J.V., an individual,
I.V., an individual, and N.V., an individual,

17 Plaintiffs,

18 v.

19 KNIGHT TRANSPORTATION, INC., an
Arizona corporation, KNIGHT
20 REFRIGERATED, LLC, an Arizona limited
liability company, KNIGHT-SWIFT
21 TRANSPORTATION HOLDINGS, INC., an
Arizona corporation, KEVIN CORNISH, an
22 individual, DOES I through XX, and ROE
CORPORATIONS 1 through 100,

23 Defendants.
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Case No. 2:19-cv-02119-RFB-NJK

STIPULATION AND ORDER
REGARDING LIABILITY

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STIPULATION AND ORDER REGARDING LIABILITY

Plaintiffs CLYDE MONTERO, AMY MONTERO, J.V., IV., AND N.V, by and through their counsel of record, RAMZY P. LADAH, ESQ. and CARL R. HOUSTON, ESQ., of the LADAH LAW FIRM, and Defendants KNIGHT TRANSPORTATION, INC., KNIGHT REFRIGERATED, LLC and KEVIN CORNISH, by and through their counsel of record, JOEL D. ODOU, ESQ., ANALISE N. M. TILTON, ESQ., and ABRAHAM F. IVIE, ESQ., of the firm of WOOD, SMITH, HENNING & BERMAN LLP, hereby submit this Stipulation and Order regarding liability.

1. **Defendants are Admitting Negligence:** For purposes of the instant action only, Defendants KNIGHT TRANSPORTATION, INC., KNIGHT REFRIGERATED, LLC and KEVIN CORNISH (collectively “Defendants”) agree to admit negligence, including both duty and breach, at the time of the October 21, 2017 incident that gives rise to the instant action subject to the full reservation of rights herein, and thus, in detail, stipulates to the following:

- a. **Duty and Breach:** That Defendants, KNIGHT TRANSPORTATION, INC., KNIGHT REFRIGERATED, LLC, admit that their agent/driver, Defendant KEVIN CORNISH, were negligent (Defendants are fully admitting both duty and breach);
- b. **Agency and Imputed Liability:** That Defendants admit that such negligence occurred during the course and scope of the KNIGHT TRANSPORTATION, INC., KNIGHT REFRIGERATED, LLC’s agent/driver Defendant KEVIN CORNISH’s employment with KNIGHT TRANSPORTATION, INC., KNIGHT REFRIGERATED, LLC and, therefore, through the legal doctrine of Respondeat Superior, or imputed liability, Defendants admit that all such negligence is imputed to Defendants KNIGHT TRANSPORTATION, INC., KNIGHT REFRIGERATED, LLC;
- c. **Defendants’ Negligence is the Cause of the Subject Motor Vehicle Collision:** That Defendants admit that such admitted and stipulated negligence of Defendants was the cause of the subject motor vehicle collision;

d. **Waiving Comparative Negligence:** That Defendants admit that they waive any Comparative Negligence Claims, and thus Defendants are fully and completely admitting 100% liability for the subject crash (specifically reserving the right to contest medical causation, medical treatment, injuries and any and all damages being alleged, as discussed more thoroughly below);

2. **Right to Contest Medical Causation and All Damages:** Defendants, reserve their right to contest the casual connection between the subject collision and the nature and extent of Plaintiffs' claimed damages as a result, including medical causation, medical treatment, injuries and any and all forms of damages being alleged by the Plaintiffs;

3. **Damages Alleged are the Only Remaining Issues:** The issues remaining to be determined at trial include the casual connection between the subject crash and the nature and extent of Plaintiffs' claimed injuries and damages, both economic and non-economic, being alleged as a result of the October 21, 2017 incident that gives rise to the instant action;

4. **No Discovery Regarding Liability:** In light of this stipulation, the parties agree there will be no discovery relating to issues of negligence including, but not necessarily limited to, KNIGHT TRANSPORTATION, INC. and KNIGHT REFRIGERATED, LLC's policies, procedures, investigations, drivers, hiring, training, purchase, lease, maintenance and repairs of its vehicles;

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5. **Forego Depositions:** In light of this stipulation, Plaintiffs hereby agree to forego taking the depositions of KNIGHT TRANSPORTATION, INC., KNIGHT REFRIGERATED, LLC, and KNIGHT-SWIFT TRANSPORTATION HOLDINGS, INC.'s parties, representatives and/or persons most knowledgeable, since Negligence is no longer an issue in the instant case.

IT IS SO STIPULATED.

DATED this 9th day of June, 2020.

DATED this 9th day of June, 2020.

WOOD, SMITH, HENNING & BERMAN LLP

LADAH LAW FIRM

By: */s/ Analise N.M. Tilton*

By: */s/ Carl R. Houston*

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Case Name: *Montero, et al. v. Knight Transportation, Inc. et al.*
Case No. 2:19-cv-02119-RFB-NJK

ORDER

IT IS SO ORDERED.

DATED this 11th day of June, 2020



RICHARD F. BOULWARE, II
UNITED STATES DISTRICT JUDGE

Respectfully Submitted by:

WOOD, SMITH, HENNING & BERMAN LLP

By: /s/ Analise N.M. Tilton

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ABRAHAM F. IVIE

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